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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,433	07/10/2004	Steve Yankovich	Y-PTNTR2004	5039

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PATENTRY
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EXAMINER	
BASIT, ABDUL	
ART UNIT	**PAPER NUMBER**
3694	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/710,433	YANKOVICH ET AL.	
	Examiner	Art Unit	
	ABDUL BASIT	3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *7/10/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. According to In re Bilski 545 F.3d 943 (Fed. Cir. 2008), a method or closely related system must be tied to a particular machine or transform an article into a different state or thing. Claims 11-30 do not comply with Bilski, and thus Applicant is requested to make corrections.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woodings (US Pat. Pub. No. 2004/026795) in view of King (US Pub. No. 2004/0260566).

Regarding claims 1, 11 and 21:

Woodings teaches scheduling the processing of a selected list of business control definitions is done by a scheduler directing the operation of the computer system as follows: comparing the current scheduler day and time of day against the last successful run to determine if it is necessary to schedule processes, selecting one of a plurality of process types from a group consisting of controls, evaluations, and tests, selecting one of a plurality of frequencies from the group consisting of hourly, daily, weekly, monthly, quarterly, and annually, matching definitions against the selected process type and frequency, computing the start offset for each definition and comparing to the current scheduler date, comparing the last successful run date for each definition against the current scheduler date, identifying the business unit linked to each selected definition, reading the default user assignment for each business unit, checking if the definition overrides this specific assignment, and routing the process to the assigned user, proceeding in turn to the next unit identified in the definition until all are processed, proceeding in turn to the next definition until all are processed, proceeding in turn to the next frequency until all are processed, proceeding in turn to the next type until all are processed, and setting the scheduler date to the last successful run date plus one increment and reiterating until the current scheduler date exceeds the computer system current date. *(see paragraphs 112, 118, 122-125, 148-149, 411-420)*

King, not Woodings, teaches A computer system for documenting, performing, and attesting to internal controls of a public or private entity or enterprise comprising: a processing server unit, a plurality of client workstation units, a communications network, and a computer-readable storage medium encoded with a computer program product

which modifies the operation of said computer system by first scheduling by means of a scheduler the processing of a selected list of business control definitions, second notifying selected performers in a unit structure of their required activity within a time period by means of an email system, third routing the necessary process template and process template data comprising information, instructions, buttons, applications, fields, and references deemed useful for the defined activity by means of a routing engine, fourth, recording the performer's submittal of the business control activity by operating on the process template and process template data by means of a database, and fifth, preparing the supporting materials for officers of the corporation to assert and external auditors to attest that adequate financial controls meet regulatory requirements. *(see paragraphs 1-12, 44 and Fig. 11)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Woodings with King. Motivation to modify exists, because selecting business control definitions, and preparing the documentation enhance the scheduling capabilities of a system.

Regarding claims 2, 12, 22:

Woodings further teaches that the computer software program product of claim 1 wherein a definitional hierarchy structure is coupled to a plurality of context structures and to a plurality of context data category lists, and is coupled to said scheduler by means of process template data, which scheduler is further coupled to a routing engine by means of process template data, which routing engine dynamically synthesizes,

transmits, and reads micro application containers presented to and submitted by a plurality of users as uniquely directed by the process template data of each definition. *(see paragraphs 285-290)*

Regarding claims 3, 13, and 23:

Woodings further teaches that the context data category of claim 2 comprising further lists of context data categories or lists of context data structures wherein said context data category associates disparate context items that may or may not be related by context type or by their location in a hierarchy but which may be efficiently linked to either the definitional or unit hierarchies by a single assignment from any level of the respective hierarchies to the context data category comprising the appropriate references, units, values, standard errors, assertions and any member of the set of context data. *(see paragraphs 491-505)*

Regarding claims 4, 14 and 24:

Woodings further teaches that the definitional hierarchy structure of claim 2 comprising a control hierarchy structure including a plurality of major areas each of which may have encoded upon the computer readable medium a reference to a plurality of accounting processes each of which may have encoded upon the computer readable medium a reference to account sub-processes each of which may have encoded upon the computer readable medium a reference to control objectives each of which may have encoded upon the computer readable medium a reference to risks each of which may

have encoded upon the computer readable medium a reference to a plurality of control execution definitions each of which may have encoded upon the computer readable medium a reference to a control evaluation definition and to a plurality of control test definitions. *(see paragraphs 491-505)*

Regarding claims 5, 15 and 25:

King, not Woodings, teaches that the definitions of claim 4 comprised of a plurality of process templates selected from a group consisting of an executable control, its tests, and its evaluation, each containing a frequency of application comprising common financial periods of interest, offsets against said period for when the control activity should start and be due, and such data elements as may be specified in the definition to be combined with a common process template or application container upon a targeted user's computer system modifying the operation of that system to display certain visual elements and to configure certain programmatic elements of the process template. *(see paragraphs 36-39 and 44)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Woodings with King. Motivation to modify exists, because using financial periods of interest allows for compliance with financial regulations.

Regarding claims 6, 16 and 26:

King, not Woodings, teaches that for the process template of claim 5, further coupled to a compliance rules user selection screen via a plurality of visual elements to select

programmatic elements into the process template thereby modifying the mathematical calculations or comparisons of a plurality of data elements. *(see paragraphs 6-8)*
It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Woodings with King. Motivation to modify exists, because using financial periods of interest allows for compliance with financial regulations.

Regarding claim 7, 17 and 27:

King, not Woodings, teaches that the context structure of claim 2 comprising the unit hierarchy of users responsible for performing activities selected from the group consisting of creating, performing, evaluating, and testing the controls, said responsibility being assigned individually or by means of the control hierarchy wherein a level of the control hierarchy may be assigned to an individual in the unit hierarchy who shall be the default performer of every control below that level of control or said assignment overridden by further assignment by category or by specific assignment to an element lower in that control hierarchy and further specifying a person in the unit whom the scheduler will contact in the event of a failure or delay of an assigned individual in performing a control in a timely manner. *(see paragraphs 1-12)*
It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Woodings with King. Motivation to modify exists, because assigning responsibility to one individual allows for accountability within a system of complying with financial regulations.

Regarding claims 8, 18 and 28:

Woodings teaches that the micro application container of claim 2 comprising a unique configuration of visual and programmatic elements driven by the data referenced in a definition, creating for each user and for each control, each evaluation, and each test, a temporary, locally-saved interactive client which offloads the server from processing other than delivery of the process template to the client, the delivery of the process template data which arranges an endless combination of visual and programmatic elements and, subsequently, recordation of the submitted results. *(see Figs. 1-25 indicating systems that use GUI's to display data and information)*

Regarding claims 9, 19 and 29:

Woodings teaches that for the routing engine of claim 2 comprised of a mechanism to look up the target unit and associated users coupled to a mechanism for authentication using a directory service thereby obtaining an email address coupled to a mechanism to record or update a transaction in a database coupled to a mechanism for sending notification to the target with a url link to the transaction in the database coupled to a mechanism to respond to a user click on the url by transmitting process template and process template data specified within an element of the definitional hierarchy electronically to the user's client where the process template data uniquely configures the process template for display, interaction and acknowledging subsequent submittal and recording submitted data. *(see paragraphs 117-125 and 161-162)*

Regarding claims 10, 20 and 30:

Woodings teaches a mechanism to catch-up both for completely missed days as well as partially missed days where partial completion of the scheduler's task was accomplished prior to an outage, and further comprising a mechanism for checking for active transactions which require multiple steps and the established time limit for each step in order to measure unacceptably slow progress and automatically move the assignment to an alternate performer. *(see paragraphs 412-421)*

King, not Woodings, teaches that the scheduler of claim 1 further comprising a mechanism of operating against financial periods rather than dates so that in any given year, the controls may be scheduled automatically around holidays and weekends, and further comprising a mechanism of offsetting the launch of processes by a start offset and measuring performance against a due offset specified in days relative to the financial period to provide the user notification, reminders, and if needed initiate an escalation process. *(see paragraphs 1-12, 42-44 and Fig. 11)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Woodings with King. Motivation to modify exists, because allowing for a scheduler to operate in financial periods allows for compliance with financial regulations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABDUL BASIT whose telephone number is 571-272-5506. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ab

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694